United States Court of Appeals

for the Second Circuit

APPELLANT'S BRIEF & APPENDIX

77-7022 7022

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MILLICENT LINDEN,

Plaintiff-Appellant,

- v -

SEYMOUR SCHWARTZ and BERNARD WEISS, Justices of the Civil Court -

Defendants-Respondents.

UNITED STATES COURT OF APPEALS
FILED
MAR 14 1977
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

76 Civ. 4402

Judge C. F. Stewart

AFFIDAVIT

BRIEF ON APPEAL and Appendix

BPLS

Brief + Appendix

Dear Sirs:

Plaintiff-Appellant, Millicent Linden, pro se, duly swears to the full truth of the following statements in accordance with the original records on file in the County Clerk's office of the Supreme Court of the State of New York, and the Civil Court of the City of New York, New York County, respectively.

The within appeal arises out of plaintiff's suit against one Nathan Novick, D.C. begun in the Supreme Court in July, 1975, and transferred to the Civil Court, November, 1975 under section 325.

The facts are fully authenticated; they are fully documented in all the records, and plaintiff appeals upon those facts.

While plaintiff appeals on a just cause for the immediate pertinency of the issues, the cause of justice within those issues is also stake within the mandates of the CONSTITUTION OF THE UNITED STATES OF AMERICA.

There are inescapable parallels in the pleadings between the circumstances of plaintiff's appeals and the circumstances of those events which prompted the denouncement of the unbridled power of that tyranny and despotism held without accountability that led

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to our DECLARATION OF INDEPENDENCE from that tyranny, and the Constitution that followed the Declaration.

Our Declaration and Constitution upheld the sanctity of the indvidual's rights - among them, life and liberty - above and beyond prejudices. Plaintiff will not presume any further references to the law of the land before this august body, for confidence in that is obvious, but will proceed on the substances of the issues and the facts to be considered pertaining to those issues.

Without any formal declaration, and without any contrived intentions, plaintiff is an unafilliated individual, independent of any organizations of any kind, having been a free-lancer in earning a living dancing, singing, teaching dancing, singing, writing, doing independent research, lecturing and demonstrating the results of that research in an original program entitled: TENSION-in-REPOSE.

T-in-R is not only an original program in human history, but it is also new to nature in that it anticipates nature's forthcoming development, based on the forces that wrought evolutionary progress throughout the history of life on earth, in that it enhances the already established upright posture further to make more upright without any will or mental control of the body.by the individual.

The net result is an unprecedented inner equilibrium; This fact has a bearing upon the issues pertaining to the defendants, and upon the threat to plaintiff's life and plaintiff's liberty, both part of our Constitutional rights of life and liberty, which is meant to be extended to all individual's regardless of any such circumstances as being an unknown independent person, appearing in person, as pro se for whatever reason (though in the immediate circumstances due to nothing more than just having no money at all

barely enough for minimal existence and subsistence, let alone for theluxury of having legal representation by a lowyer in the suit aginst the defendant-doctor referred to earlier.)

The one fact not written in the record per se, that is, verbatim, as stated orally, is that fact of defendant-judge, Seymour Schwartz, on February 25, 1976, stated in his chambers, before the opposition, defense attorney, Samuel Graff, of the legal firm of ISAACSON, ROBUSTELLI, FOX, FINE & GRECO, leaning across the medium-sized desk, looking directly and hard at plaintiff, with a fervency in his eyes: "GO TAKE UP SOME RELIGION, LAWYERS GOT TO LIVE!"

Now, such a statement could easily be overlooked, disregarded, PROVIDED, it did not interfere with the workings of the court system the laws of the City, and the laws of the State and the laws of the land: EXCEPT that those words, while not committed in writing as stated in chambers, reveal themselves entirely in the record in other means, through the use of judicial power, however much objected to or challenged through the existing procedures, motions and appeals to the Appellate Division, that declared non-jurisdiction, the Attorney General's office that refused to accept the complaint, the New York State Commission on Judicial Conduct that claimed judicial discretion despite the fact that the request was for the obvious facts on record, such as refusing to acknowledge an alleged court order not ruled on, the overwhelming proof in the county clerk's office of facts that run contrary to said defendant's claim oa an alleged non-verification of a bill of particulars, etc., etc. These are not matters of judicial discretion, but matters of fact on record, but a second appeal refused furtherconsideration by the Judicial Conduct Commission, and the State Office of Court Adminstration also refused to take action, "advising" instead, to "go get a lawyer".

In fact, so incensed was that representative, Mr. John Ray, that he had literally thrown away those precious copies of documents from the record, and became further incensed when plaintiff sought to retrieve them after a prolonged period brought no response, that he almost lashed out physically.

Without the privilege of pro se appearance, the individual who either has no money, or is the only one with a grasp of the full facts of a case that no one else can plead, or for a variety of other human reasons, then that individual would be denied the right of redress of grievances as the Constitution allows. Without any help from any source beyond what is available in public and accessible to all, plaintiff had accumulated the requisite facts to be presented in court, and were duly denied any hearing at all through the abuse of judicial power, the violation of personal liberty and the threat to life itself, as plaintiff means to present explanatory facts.

Plaintiff asks this court's indulgence for the lenghty preliminaries in arriving at them, and aks this court to bear with her, for the conditions oblige a difficult course at this writing.

For three years, from the time of injury by the defendant-dooter, done with premeditated malice, pertaining to the work described earlier, that of inner equilibrium and a childhood illness relevant to that injury and equilbrium, plaintiff had been under treatment; 2 of those years, treatment was necessary practically every day on an emergency basis, and not having any money for it, and the treating doctor not taking medicaid, doing it without being paid, confident that plaintiff would have an award, for the facts were solid and irrefutable, and eminently obvious what a jury verdict would be. Between September, 1973, and time of said inury, and December, 1973, plaintiff had to

search arduously for the right kind of treatment, all others having no alleviating effect upon the dire conditions of theinjury, which was diagnosed as "wasting away" by a New York Hospital staff physician.

The treating doctor, Dr. Edward J. Wedin, took time and patience, and literally snatched plaintiff from the brink of annihilation with his humane concern for a human life. Some times, it required almost an hour to work on what was needed at the moment.

In all instances, the treatment consisted of gentle and precise location of manipulating the spasmodic muscles, throughout the entire spine, (contained in the hospital records, Lenox Hill hospital, New York Hospital, Manhattan Eye, Nose & Throat, Bellevue Emergency Service in the files) reflexing the neurological system, and adjusting the bones. All this takes considerable time and care and great skill.

The origins of the injury arise out of trauma to plaintiff's jaw joint by a specialist consulted for a slight click in the jaw joint present since high school days, through the professional singing engagements and dancing, etc. with no interference, and questioned only when plaintiff's research probed deeper into the science of alignment and the new discoveries on the underlying precepts in the involuntary, natural technique of singing never before established.

Plaintiff was being treated for the trauma to the jaw joint incurred by counsultation of the TEMPOROMANDIBULAR JOINT DYSFUNCTION specialist, one Dr. Nathan A. Shore, for the period of one year by the defendant-doctor Nathan Novick. On september 17, 1973, said defendant-doctor, without announcement, about deviating from a 3-times weekly routine, without reason for it of any different or additional symptoms, undertook to twist plaintiff's left knee, lift the left heel upward while pressing the knee outward and leaving the pelvis

thoroughly unprotected as all medical and technial techniques and texts demand at all time - to STABILIZE THE PELVIS at all times.

In 1974, plaintiff brought suit in Civil Court, with trial before Judge David Stadtmauer, without jury, under the complaint of personal injury in the course of treatment due to negligence. Plaintiff appeared pro se in the trial of 3 days of August 14, 15 and 27, 1974. On the last day, while the court reporter was out of the room to get more tape for his machine, and everyone waited in the courtroom, the judge, defendant, defense attorney and plaintiff, plaintiff was in severe physical distress, as the muscle spasms are involuntary and go into convulsions. In that snare of distress, the ramifications of what a treating doctor, entrusted with a person's life woho goes to him with trust and confidence, in the field of healing, while there is so much destruction going on outside of it, undertakes a destructive action meant, and plaintiff wondered that a professed healer indulges in destructive measures out loud, while looking out the window of the 11th floor judicial suite where the last day was held

The sitting judge reprimanded plaintiff for trying to "influence" the bench; whereupon, the very next day, before 10 a.m. when the trial lasted until the summer closing hours of 4 p/m/, judgement was rendered for the defendant and entered in the record on August 28, 1974.

Said judgement was rendered despite the open confession of the defendant-dcotor on the witness stand that he: diagnoses a rotated disc, says he suspects a fracture (from a letter written after the date of injury where plaintiff describes a sitting position while teaching an elderly pupil and not moving so as not to disturbe him and felt something take place while sitting so, like a "crushing" which plaintiff now understands was a reaction of the disparity of muscle pressure not yet arrived at for equalization)-due to the (admits contra-force needed for fracture, not found in sitting position

trauma to the jaw on that side of the body, the right side) and defendant-doctor states that it is standard procedure to order X-rays where a fracture is suspected, then admits he did not order X-rays, that it would be an "insult" to the body, while also admitting that he did order X-rays for other patients, and describes a test he performed on plaintiff, called it the Patrick-Faber test, an orthopedic test used for inflammation of the pelvis, though no symptoms of inflammation were present, as plaintiff was active physically, freelancing on a limited basis, or as much work as coudl be found that could be done, teaching TENSION-in-REPOSE which calls for physical activity which any inflammatory disease would preclude, and defendant-doctor, describes the active movements of the test while admitting that where fracture is suspected, that the standard procedure is to immobilize the suspected site of fracture, not move it as he said he did, even boy scouts and the most elementary first aid know that a fracture is to be kept still under professional treatments and X-rays could be arranged, yet defendant-dcotor goes on saying plaintiff is capable of both objective and subjective findings, having subjective characterizations of what was felt always upheld by professional examination and findings, that plaintiff's work was sufficiently meritorious to warrant his recommendation to plaintiff's publisher at the time, that he found radical improvement in one of his patients doing plaintiff's T-in-R program, that plaintiff's early childhood illness, an infection of the bone at age nine, was known to him, that plaintiff possessed a dynamic body equilibrium, that plaintiff's physical abilitis were arrived at through an act of the will, and when asked how it is that paraplegics don't get up and walk, he would not answer the qeustion

All these facts and others are a matter of record. After the judgement for the defendant in the above trial, plaintiff appealed

for the court minutes transcripts in Forma Pauperis and was granted the appeal for the transcripts but denied the appeals to reverse the judgement for the defendant though the evidence was overwhelming in his open admission of his act, whic was not that of negligence, in his own words, but one of deliberate misconduct with intent to maim.

Apeals were denied in theApellate Term, the Appellate Division, in New York City, and in the Court of Appeals in Albany, New York.

Plaintiff began a second suit in July, 1975, with the summons and complaint of MALICIOUS MISCONDUCT WITH INTENT TO MAIM, and Judge Margaret Mangan signed the order based on the brief plaintiff submitted to the Supreme Court with attachmentsof some of the facts.

While the issues in the instant appeal pertain directly to the second suit against defendant-doctor, Nathan Novick, the facts in the events which precede it also bear direct relevance to those events which follow. Plaintiff intends to connect all of them, using the background portrayed thus far and other ensuing factors that clearly, unmistakeably support and document gross, blatant, grievance violation of personal life and libery and violation of all laws by each and every participant: defendant-judges, defense attorneys and defendant-doctor. These are not statements made by a plaintiff; they are facts irreftuably recorded in the files in the course of established court procedure and judicial mandates and defense attorney demands, that compel plaintiff to make the statements in defense fo all rights, natural and legal, the dignity of life itself and the dignity of law.

Defendants in the instant appeal defiled the dignity of life and the dignity of law - the law of the land they have sworn to uphold and the law of life that is precious to all creatures as endowed by nature, nature where life and liberty begin.

The following facts, excerpted from the original record, show how defendants inthe instant appeal posed the threat to plaintiff's life and the violation ofpersonal liberty in denying the right to be heard by falsifying and/or denying acknowledgement of the recorded facts:

July, 1975: summons and complaint;
August, 1975: verified bill of particulars
October, 1975: Note of Issue & Statement of Readiness
October 24, and 31, 1975: defense attorney's motions in Supreem Court; demanding verified bill of particulars item 3 in b/o/p, statement of Inspection & Discovery,
Spptember, 1975, county clerk's file date, claiming deficient pre-trial proceedings deppite the facts in the record of a verified b/o/p, a verified statement of Inspection & Discovery, and re-supplied item 3 demanding the exact details of the defendant-doctor's actions, given in his own words from the witness stand under oath in the transcripts and in written summary by plaintiff;
Motions were before Justices George Starke & George Postel, respectively; the latter demanding that plaintiff's case be stricken from the calendar;

January 8, 1976: scheduled date of trial:
Calendar call: 10:00 a.m.; sitting judge:Bernard Weiss
Defense hands alleged order to strike from the calendar
Defendant-Judge Weiss looks at it, signs the order to strike from calendar;
Defendant-Judge Weiss reprimands plaintiff for dropping jaw involuntarily in surprise, that said order was not in the minute book in Special I, Supreme Court January 7, 1976, nor in county clerk's file, telling plaintiff to not speak and not interrupt him, as far as he was concerned it was off the calendar even when plaintiff managed a quick note that there was no date, no stamp of any kind on the order, that the wording was unclear and inaccurate, that where the word "defendant" appeared, indicated plaintiff was "defendant"; Judge Weiss refused to hear anything;

January 12, 1976: defesne attorney's motion before defendant-judge Seymour Schwartz to preclude; granted to defense; despite false statements by attorneys in accordance with the record on file and submitted by plaintiff;

January 19, 1976: plaintiff's Show Cause motion, date scheduled by sitting judge in Special Term Part II, while the sitting judge in Special I was still Judge Schwartz; plaintiff's motion denied, though plaintiff asked to sumbit the original record, personally in hand in oral argument, to which defendant-judge Schwartz replied that if he wanted it he would ask for it; he ordered plaintiff to provide a verified b/o/p, a verified statement of Inspection & Discovery, and item 3 of b/o/p

These early events set the pattern, consistently, throughout the whole year, from January, 1976 to December, 1976, by defendant-judges. Each time plaintiff strove to satisfy the court mandates, through motions, re-verifying the b/o/p - three successive times - restaing and re-verifying the Inspection & Discovery, re-supplying the item 3 of the /o/p, submitting twice over the court transcripts that provided the demanded descriptionof defendant-doctor's action of injuyr upon plaintiff, and each time, defendant-judge Schwartz denied plaintiff the motion, saying it was "insufficient"; one day, writing and signing 3 separate orders on the same day, April 28, 1976, and repeating the same mandates, "insufficient" demanding verified b/o/p item,3, etc., etc., and inthe course of that writing, used the phrase "pro se" repeatedly, and even underlined them. Having experienced his tirade against pro se in chambers on February 25, 1976, when he told plaintiff to "go take up some religion-lawyers got to live", and actually throwing down plaintiff's written request for a hearing when he was sitting at the Park Place Courthouse, right in front of plaintiff who saw the courteous letter waft in the air and drift down to the floor after defendant-judge Schwartz took it from plaintiff's hand and aimed at the floor in throwing it down, plaintiff saw Judge Schwartz' underlined words of "pro se" as a bull in the ring must see that provoking cape in the hands of the matador. He looked and was full of rage in that corridor during lunch period when no one was around and plaintiff just happened to meet him before having the opportunity to leave the letter under his door.

Plaintiff had tried to have motions before other judges, but each one, in deference to their mutual, judicial practices, regardless of whether or not the issues were new, referred the motion to judge Schwartz. On one occasion, defer ant-judge Weiss was sitting for Judge Kenneth Shorter who was indisposed. Judge Weiss, from the bench

said, "I read your file in the library; it's thick", etc., and proceeded to threaten plaintiff for making motions to restore the case to the calendar, citing California cases where someone was jailed for making too many motions. Judge refused to hear anything plaintiff had to say, he even was about to ask the court guard to remove plaintiff from the courtroom when plaintiff had moved from the bench in the third row in order to move the distressing muscle spasms and to get closer to the bench so as not to have to consume too much time in walking too slowly inside the enclave of the court bench. When Judge Weiss blurted his tirade in no uncertain terms before the court clerk, Mr. Supples and the light haired, large clerk of Special I, and was walking towards the judicial exit, in unmistakeable anger, plaintiff wedged in a quiet statement of asking how any case can be taken off the calendar which had not ever been ruled on in the first place. But Judge Weiss just looked out at plaintiff and said: "Go get a lawyer", and that ended that.

April 12, 1976, in response to plaintiff's registered letter, Judge George Postel writes that: "Before we had an opportunity to dispose of the motion on its merits, Judge Gellinoff transferred your case to the Civil Court...."

Judge Postel's letter, copy, is annexed herein, included with other exhibits and letter from Judge Edward Thompson, noting the Appellate Division's decision on plaintiff's Article 78 Mandamus.

Throughout innumerable motions in the Supreme Court and in the Civil Court, with the fact that Judge Postel had not ruled on the motion made by defense attorneys to strike plaintiff's case from the calendar, no court would acknowledge the fact, and no court would restore plaintiff's case to the calendar.

In reading of various instances reported in the public media,

plaintiff learned that official misconduct was sufficient ground to grant relief requested; defendant-judges refused to acknwoledge the the facts in the record, of a verified b/o/p, etc. falsely claimed by defense attorneys, of the fact that the order signed by Judge Weiss on January 8, 1976 to strike from the calendar was never ruled on in the first place, and would not hold defense attorneys accountable for access to said alleged order which had not even been in the books at the time of trial date, yet denying plaintiff every motion.

In February 25, 1976 oral argument referred to earlier in the chambers of defendant-judge Schwartz, Judge Schwartz, after telling plaintiff to take up some religion, that lawyer got to live, leaned over his desk, far over, close to defense attorney Graff, and told him to move for dismissal. Attorney Graff just stared back, shrugged his shoulders, but said nothing. Plaintiff provided the reason why motion to dismiss had not been made for more than 6 months, that there was new evidence for the second suit signed by theSupreme Court and provided transcripts by the Appellate Term in Forma Pauperis.

Immiediately following that meeting, plaintiff's file was kept in Judge Schwartz' chambers after it was kept in the Law Library on the 10th floor where defendant-judge Weiss had the record. Judge Thompson had requested a report from the law librarian, and the record was there for more than a month. the law librarian, Mr. Incantalupo, refused plaintiff access to the file, made no report, told plaintiff to "go get a lawyer"; Plaintiff saw him carry plaintiff large envelope mailed to Judge Thompson showing renewed response to Judge Schwartz' mandates, a new copy of the same court transcripts, exhibits, etc., etc. which he called a "complaint" and kept it out of the file. Then the file was kept in Judge Schwartz' chambers for about a month again, and still plaintiff could not get to the

record to look for any signed orders because Judge Schwartz refused to talk to plaintiff and told plaintiff that he was through with it having made his decision, but the fact was that he had the record in his chambers until plaintiff requested access to it and was finally given up to the record room, on which occasion, plaintiff saw Mr. Incantalupo carry the large envelope under his arm and keeping it out of the file. Not until I told him that it was part of the record, a reply to court mandates, that he was obliged to look at it, and see that it was not a "complaint". After he looked at the contents, he then placed it in the of the three large files envelopes. It was voluminous, filled with plaintiff's efforts fillof physical hardships.

May, 1976, defense moved for dismissal at the time Judge Walter Shackman was sitting int eh motion court. Judge Shackman is a next door neighbor to Judge Shhwartz' chambers on the 5th floor.

At oral argument, Judge Shackman said he would only hear arguments of law; this to a pro se appearance plaintiff.

Defense attorney hands the MEMORANDUM OF LAW to plaintiff just before oral argument, saying that he was not obliged to do so, but was doing it out of deference to plaintiff, out of "kindness".

Judge Shackman said he would give plaintiff only 7 days to respond to the defense attorney's MEMORANDUM OF LAW

Judge Shackman granted defense attorney's motion to dismiss on "res judicata"; despite the unavoidable facts of a different obligation in the second summons and complaint, different circumstances prompted by the new ifnormation not available prior to the first trial, that summary judgement, demand by defense, could not possibly accommodate the requisite demands to be heard on the full merits, whatever the contents of the defense attorney's claims and judicial decision.

Plaintiff's appeal to the Appellate Term was denied and written opinion gave no further explanation beyond that of what Judge Shackman submitted in his order. Plaintiff's arguments in the brief that plaintiff was under emergency, physical distress following the injury with severe muscle spasms under which plaintiff had to endure during the 3 days of trial, that the information the defendant-dcotor gave on the witness stand was not known to plaintiff before the trial, that the Appellate Term's denial fo plaintiff appeal did not constitute a trial on the full merits as the law allowed as sufficient ground for a second trial before a jury, which is one of the Constitutional rights granted to eachindividual to be heard in a trial before a jury, etc.

Defendant-judge Schwartz expended a great deal of legal skill, time and effort, in the record number of orders denying plaintiff everything regardless of the proven facts in the original record. He is considered "brilliant" by his colleagues; it did require a type of "brilliance" to maneuver his way around inpenetrable, plain, irrefutable facts, fully recorded in the county clerk's office, and in the Civil Court records, that are in direct contradiction to his mandates in his written orders and to the facts in the record pertaining to the first and second trial and suit, respectively. However, even his brilliance had to call for cooperation from the bench, such as having each of the different courts refer the issues to him even when those issues had not been before him initially.

Under these circumstances, with the power of the court left to its own devices without any recourse on the part of the plaintiff to challenge those erroneous, official rulings, becomes equal to the same type of situation from which we declared our independence from the tyranny of a ruler meting out demands without justification, thus practicing despotism through self-imposed prejudices. The difference

under these circumstances, is that it is insidious, hiding behind a cloak of justice; defendant-judge Schwartz' demeanor in public is proper, seemingly "benevolent". Plaintiff could hardly have been taken by greater surprise to see such a radical change of demeanor when in chambers. His very facial features become contorted, and his prejudice against pro se becomes one of out-and-out cruelty when considering the following facts:

Defendant-judge Schwartz is known to have kept the record in his chambers; the file contains a signed note by defense attorney that it was taken to his chambers.

Contained within the contents of the record are the hospital reports; those reports state plainly that plaintiff had severe muscle spasms throughout theentire spine, thatplaintiff was under constant treatment, that plaintiff was "doing poorly" in treatment, that there was great distress and discomfort, that plaintiff is unable to work, to walk, to sit, to stand except at varying alternating intervals, etc.

But still, though both defendant-judges clearly read through the record and saw the aforementioned facts of plaintiff's physical distress, they persisted interminably to deny plaintiff the most fundamental Constitutional rights, the rights established in court procedure in accordance with City and State laws through motions and documented facts in the record, they continued to harass plaintiff with their power from the bench, in court, under the guise of "judicial discretion" even when there is no ground for "discretion" as in the case of the alleged court order that was never ruled on which left no room for any kind of "discretion".

In the course of the year, while defendant-judges were indulging themselves in their obvious prejudice against pro se and using court power, abusing it, rather, plaintiff was obliged to take trips of

torment, every slight jostle sending the unstable, shifting pelvis into excrutiating positions, sending the msucles into more spasms, on the way to court to attend to unwarranted demands imposed by both defense attorneys and collaborating judges for falsely made statements.

On more occasions than plaintiff wishes to reflect upon, the aggravation to the physical conditions necessitated two treatments by Dr. Wedin on the same day, that is, if plaintiff was to obtain some relief from the torment which is inimitable to the losss of stability of the pelvis. It is a very special kind of torment which probalby cannot be comprehended offhand, unless it is actually experienced first hand. It is not anything like a physical pain that one feels with a cut, or a bruise, or a bang, etc.; it is a sense of not having any ground underfoot at any time, sitting or standing or walking, or chewing or looking or doing anyting, not even reading in any normal sense of a page at a time; even reading a line was a major function while the pelvis moves around its position; with every different position, all the muscles and nerves feel the repercussions and lose their stability, too. The pelvis is known as the foundation of the body, and like any foundation of a building, the principle is the same, when the foundation is rendered off its position, its stable foundation, "crooked", the whole building tumbles and crumbles. And so it is with the body, without constant adjustment to the pelvis, the body disintegrates: the muscles "fall" away from the bones, the nervous system losses its full efficiency in operating with the muscles and the bones, and the teeth and nails and hair change their textures.

In essence, the stability and proper position of the pelvis is the actual, literal "heart" of the body, for without its supporting role in effect, the rest of the body feels the effect. And this is the struggle plaintiff was in the midst of when defendant-judges undettook to harass plaintiff with undue abuse of court power.

That such disregard for plaintiff's physical welfare is eminently bovious, and that merely adds to the list of violations by defendants; defendant-judges not only deniedplaintiff the fundamental right to be heard, to deny the facts in the original records, the legal rights of the law of the land, the Cit y and State, but also the right to life in threatening that life with the compelling physical hardships unduly making the denials of life and liberty a violation of natural and human laws simulteaneously.

As though that were not enough, in consuming that time of time consuming false statements, illegal practices, etc., the precious, vital, life-saving treatments by Dr. Wedin were also being consumed unduly. It was alwsy with the hope of trial and the inevitable award any jury would bring in once the facts were known, fully contained in the record, that treatments were continued while being unpaid.

With the advent of the constant denials all around, the State, the City Courts, the Appellate Term, the disregard from all quarters mentioned earlier, the Attorney General's office, the Office of Court Administration, the Appellate Division, the Commission on Judicial Conduct, etc., it could hardly appear that any monies would be forthcoming to meet the unpaid obligations. Hence, neither could it be a surprise that the treating doctor could hardly continue the vital treatments without being paid; he, too, has the obligation of expenses, and earning a living, and could not carry plaintiff indefinitely without payment. Hence, those life-saving treatments can no longer be available, and the doctor said that as of December 22, 1976, plaintiff could no longer have the treatments. He cannot be faulted; the fault lies with the defendant-judges who denied plaintiff the rights alloted to each of us, to be heard, to protect one's own life and liberty, etc.

The last treatment took place December 20, 1976; since then, the

manifestation of the lack of those vital, precious, life-saving treatments become more and more obvious. Plaintiff's limited vitality has become more limited; the muscles looser, more time lying down in bed, less able to carry groceries, etc.

There are complications that make those treatments more necessary than might othrwise be so: defendant-doctor admits on the witness stand that he knew about plaintiff's childhood illnes, infection of the bone, that left the normal architecture thicker, meaning, of course, heavier.

Nature is known to adapte the body with compensatory healings, hence, in the growing years, nature established a balanced body with what took place in the childhood illness, and, in turn, plaintiff led a far above average active, physically-active life, being on a competing fencing team in high school, earning a living dancing, doing research on physical inner equilbrium, etc.

Plaintiff has annexed just a few of the exhibits that show the public reports in newspapers of plaintiff's acitivities in dancing, research, etc. writings, etc.

Among them, this court will find an excerpt from onbe of plaintiff's books depicting the original research in terms of the history of life on earth, the broad, master plan common to all creatures, a and the specific differentiations through time of the different species, and the goal plainly seen in the evolutionary forces of the constant resistance to the inward-down pull of gravity as the constant theme of life on earth, that the human species, being one-minute old in geologic time, with the major adjustments made, is still in transitions and imperfections, such as the lordotic curvature, which is inimicable only to humans and humans are the first and only species in the uppight posture, with plaintiff's original program, TENSION-

in-REPOSE, providing the improved upright posture based on the exact same evolutionary forces, making the system practical for application to all humans to enhance each and every human anatomy, with the consistent effect of giving every body buoyancy, unprecedented lightness.

Every life form is born with a stable pelvis, regardless of any normality of deformity; it is a legacy of nature endowed to all.

When defendant-dcotor severely misaligned and dislodged plaintiff's pelvis, its stability was lost. The discrepancy of bone weight from the healing process in the childhood illness creates a complicatio in trying to stabilize the pelvis. The difference in bone weight is felt, and the treatments by Dr. Wedin, for their senstivity and skill in finding the right places with each shift of the pelvis, had enabled plaintiff to manage mimimal efforts for routine chores. Without Dr. Wdein's treatments, the stability of the pelvis is not under any control and the alignment is lost; plaintiff can feel the weight of the bone in the left leg pull the body balance in that side.

Defendant-doctor chose well when he chose the left leg to twist the knee outward and the left heel upward and leave the pelvis without protection and stabilization as all the professional texts call for. He admitted to his knowledge of the illness, knew the ramifications of that illness, makign the statement in the transcripted records. Defendant-judges read those records, and also learned the same facts There is no indication that Judge Shackman read the transcripts, though his written opinion in the order makes reference to plaintiff's referrals to it in the previous appeals, whereas Judge Schwartz and Judge Weiss both have factual evidence of their acquaintanceship with the record and the facts therein. Therefore, defendant-judges acted with total disregard to the circumstances that threaten plaintiff's life as well as plaintiff's liberty. In effect, one denies the other; in denying plaintiff the legal right of liberty, the

right to life is also denied. The frustration of one is directly intermingled with the other - the very breath of life is denied the space, the room it needs to breathe when no room is given to be heard. On the one occasion on an emergency basis, plaintiff felt the almost cave-like feeling of the ribs falling in and the breath reaching out in desparation for space, for room to breathe. The frustration that accompanies the denial of right to be heard, the frustration of deliberately denying the facts as they are by defendant-judges, has the comparable effect of denying the physical right for room to breathe.

Defends attorney in the instant actionand appeal from the ATtorney General's office attended oral argument before the Honorable Charles E. Stewart with extreme casualness, confidence and indifference. It seemed to reflect the whole pattern under discussion. It, too, was like an effrontery to the dignity of law and life. He never acknowledged plaintiff's presence, in the court room, never even seemed to look in her direction, and never uttered a word in opposition to plaintiff's arguments before Judge Stewart, until Judge Stewart asked him if he had anything to say, and his short reply simply said that entered the MEMORADNUMD OF LAW as argument, implying its sufficiency to oppose plaintiff's arguments; he did listen, however, even if he said nothing. His argument was nothing more than the so-called judicial immunity, and the principle of comity. Well, hwoever gracious the act of deference to each other in the judicial circles, and courtesy, it hardly responds to the facts of the Constitutional rights which are inculcated from early school years on.

There is an assulat upon the most minimal modicum of reason and common sense; who does not know that the former President Richard Nixon has been held accountable for his role in the Watergate Scandal, though he was pardonedby President Ford. The former Pre. Nixon lost his office, the highest office in the land for his illegal activities; how could

Civil Court justices be exonerated from their illegal practices?

And it follows, also, the question arises: WHICH TAKES PRECDENCE, THE IMMUNITY OF JUSTICES WHO HAVE BEEN PROVEN TO BREAK THE LAW AND CONSTITUTIONAL MANDATES, OR THE LAW OF THE LAND THAT GUARANTEES THE RIGHTS OF THE INDIVIDUAL TO BE HEARD, TO REDRES S GRIEVANCES AND HARM TO LIFE AND LIBERTY?

And precedences have been made and broken and not applied as criterion for decisions that havetheir built-in flexibility for the claimed judicial discretion, therefore, despite the so-called immunity, there must surely be other means of meting out justice that do not conflict with the immunity clause. And there must surely be room for the flexibility of judicial discretion where there is no clear-cut situation where there is no choice of law to be made, as in the case of the court order that wasnever ruled on though used to strike plaintiff's case from the calendar.

Or is the Constitution meant to protect only those who break the law? There is no denial that defendant-judges did, in fact, break the law; shall their deeds take precedence over the right of life and liberty of the individual as our forebears fought so valiantly to obtain for us?

Plaintiff cannot begin to presume or pretend to quote the law to this august body, but plaintiff does ask this court to find the means to mete out justice as it befits the facts in the record.

Defendant-judges actions have direct bearing upon the current emergency condition of plaintiff's threat to life, using the past year to waste precious treatmenttime, incur undue physical hardhsips, and with their denial of the right to trial by jury, denied plaintiff any possible means to have the necessary funds for continued treatments.

The medical and hospital records document the seriousness of plaintiff's condition, the threat to life without those special, life-saving treatments described earlier.

The legal and court records document the seriousness of the defendant-judges actions in denying plaintiff the nation's guaranteed right to liberty, in violating personal liberty, putting life in jeopardy in their abuses of court privileges and power with total disregard and effrontery to the fundamental dignity of the laws of the land and the rights of the individual. They share with their defense attorney an obscene manner of indifference to the seriousness of the issues, born of their utter confidence of not being held accountable for their known actions and their open violations.

With all the dismay at the Watergate scandal, at the gross illegalities performed from the President's office through the White House enclave, there was no jeopardy to life itself involved. In the instant matter and issues, there is the threat to life with their practiced illegalities, and with their supreme confidcenceof immunity and principle of comity, they must surely feel completely at liberty to repeat the same cruel blows again and again wherevere the decide to do so. Howevere understandable that their legal minds could be quite clearly the profits any lawyer would be making representing plaintiff's suit against the defendant-dcotor with such irreftuable evidence elicited from the witness stand under oath, it must be remembered that no lawyer would accept the case prior to the first action solely because plaintiff could not afford paying for the time of an expert to appear in court; plaintiff acquired that evidence from the expert witness in the defendant himself, solely through plaintiff's own inexpert confidence in the facts and just cause, and at the great duress of extreme physical hardship. It is their doing that kept any lawyer from any award forthcoming from the injury.

How can they expect to have it all their own way entirely always? If this isn't despotism, the tyranny from which we declared our Independence, then Thomas Paine, and George Washington, etc. exerted their efforts in vain, for one tyranny has then replaced another. If the protection of life and liberty is not practiced in the court-room, could there be anythign but anarcy left in the streets? And in view of the rising crimes, white collar ones as well as common brawls and violence, should we not look to the underlying infestations behind the scenes such as defendant-judges have unmistakeably shown to take place? Where life and liberty are given no thought? The cry for Independence gave us the the familiar "Give me liberty or give me death", and in the instant issues and appeal, the same need is still cried out for all concerned, for without abridgement of such cruel use of power indulged in by defendant-judges, the combination of life and liberty become literal in the most acute physical sense.

The issues must surely go beyond the just cause of plaintiff alone. The issues revert to fundamentals of the land: Shall the privileges of the few, those sitting on court benches, supercede the life and liberty of the myriads who stand before them seeking justice?

WHEREFORE, plaintiff asks this court to consider the issues from the specific perspective of plaintiff's cause, to use the skill of this court and rulings in finding a just solution from the fuller perspective of the guaranteed rights provided in our Constitution for the sake of the continuing health of the noble efforts made in behalf of all of us, including the defendant-judges who could find themselves in life situation that cannot be foretold.

Dated: December 31, 1976
New York, New York

Respectfully submitted,

Millicent Linden

Millicent Linden
500 East 74th Street
New York, N.Y. 10021

To: Gerald J. Ryan, Assistant Attorney General
Two World Trade Center, New York, New York

SWORN TO BEFORE ME THIS 31st day of Dec. 1976

Vincent Amato

VINCENT AMATO
NOTARY PUBLIC, State of New York
NO. 24-0017920
Qualified in Kings County
Commission Expires March 30, 1977

AFFIDAVIT OF SERVICE BY MAIL

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT)
: SS:
COUNTY OF NEW YORK)

Millicent Linden, being duly sworn, deposes and says that she is over 18 years of age and resides at 500 East 74th Street, New York, New York 10021.

On December 31, , 1976 , deponent served the within ---------- Motion and Affidavit ---------- upon

Gerald J. Ryan

Attorney for Defendant
P.O. Address

Assistant Attorney General
Two World Trade Center
New York, New York 10047

by depositing true copies of same enclsoed in postpaid properly addressed wrappers, in a post office offiical depository under the exclusive care andcustody of the United States Postal Service within the State of New York.

Millicent Linden

SWORN TO BEFORE ME THIS
31ST day of December, 1976

Vincent Amato

Notary Public

VINCENT AMATO
NOTARY PUBLIC, State of New York
NO. 24-0057950
Qualified in Kings County
Commission Expires March 30, 1977

Index No. 3568 Cal. No. P 75 N 28599

Linden v. Novick

CIVIL COURT CITY OF NEW YORK COUNTY OF NEW YORK
Trial date:
January 8, 1975

Transcription of Court Minutes-August 15, 1974

BEST COPY AVAILABLE

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Summary

Defendant acknowledges original complaint in neck spine; diagnoses rotated sacroiliac, suspects fracture from sitting position described in mail weeks later; states accepted procedure in fracture admits he did not order X-rays is to X-ray;/states "do not expose to X-ray insult" admits X-rays with other patients; acknowledges conduction of forces to sustain fracture, does not answer to "sitting" as a conduction of forces; (improperly performed performs orthopedic test for inflammatory hip disease for suspicion of fracture; describe active movement test he performed suspecting fracture that procedure in fracture is immobilization & X-ray, but does neither; admits to twisting knee for test of pelvis without stabilization

Index No. 3568 Cal. No. P 75N 28599

CIVIL COURT CITY OF NEW YORK COUNTY OF NEW YORK

Linden v. Novick

Trial date: January 8, 1975

Transcription of Court Minutes - August 27, 1974

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SUMMARY

Defendant's statements are in constant contraction, making them exactly opposite each other; he states he does not know of plaintiff's dancing, walking, lecturing then admits them; claiming they were done by will power- yet can't explain why paraplegics with will power cannot walk; admits such physical activities require energy & vitality, that plaintiff was engaged in such physical work prior & during year's treatments-own written letter to plaintiff's publisher of value of plntiff's wo does not follow prescribed, standar proof in professional documents here

Index No. 3568

Calendar No. P 75 N 28599

Linden v. Novick

CIVIL COURT NEW YORK CITY, COUNTY OF NEW YOURK, Trial January 8, 1975

Supplement to Medical & Hospital Records of
Physical Incapacitation

List of Limitations in Daily Routines

enforced alternation of sitting, standing, lying down & walking at varying intervals;
can't sit on any contoured chair seat, hard or soft chairs & sitting, standing or walking too long put the muscles in spasms;

can't pick up anything without disturbing the disturbed inner balance; the misaligned pelvis becomes further misaligned necessitating professional treatment to keep it from further severity

muscles, nerves, bones out of normal balance in themselves and with each other; normal movements create disturbances, such as opening a door without first setting the whole body first in place; uneven reaching throws the pelvis off its position;

can't carry any normal amount of groceries; 5 pounds throws the balance off

muscles loosened; normal muscle tone gone; normal vitality gone; must stop frequently in middle of block to look for steps to sit on to rest before continuing walking

can't sleep in normal positions: no turning, must lie entire time on back, and must rise during the night when muscles spasms come on;

must stand for breakfast everyday and frequently for dinner

cannot wear old ar new familiar type shoes; must wear entirely flat heels

can't pick up feet to get to the bottome surfaces for any reason;

can't get into old-fashioned bathtub-too high; pelvis becomes disturbed;

can't do any kind of work, not even own professional program of stretching the muscles in a specific design however simple and familiar of 15 years standing; pelvis becomes disturbed;

can't dance at all though dancing has been as normal and natural as breathing from earliest memories; can't teach fundamentals of dance movement included in professional program;

can't sing in normal, familiar capacity either spontaneously or in professional vitality; singing, like dancing, was as normal and natural as breathing with equal ease; energy gone.

Supreme Court
of the
State of New York

GEORGE POSTEL
JUSTICE

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N.Y. 10007

April 12, 1976

Ms. Millicent Linden
500 East 74th Street
New York, New York 10021

Dear Ms. Linden:

Before we had an opportunity to dispose of the motion on its merits, Judge Gellinoff transferred your case to the Civil Court of the City of New York. Enclosed is a copy of Judge Gellinoff's decision.

This court was not advised of this fact, because had it been so advised, it would have transferred the disposition of the matter to Civil Court for a determination.

I suggest that you confer with the authorities at Civil Court relative to the trial of your case inasmuch as it is a pending matter there. They can best advise you as to how you can move for trial again.

The recovery you seek can properly be determined on the trial there.

I trust this answers your inquiry.

Very truly yours,

enc.

CIVIL COURT OF THE CITY OF NEW YORK
111 CENTRE STREET
NEW YORK, N. Y. 10013

EDWARD THOMPSON
JUSTICE OF THE SUPREME COURT
STATE OF NEW YORK

ADMINISTRATIVE JUDGE
CIVIL COURT OF THE
CITY OF NEW YORK

June 25, 1976

Ms. Millicent Linden
500 East 74th Street
New York, N. Y. 10021

Re: Linden v. Schwartz
Linden v. Novick

Dear Ms. Linden:

In view of the decision of the Appellate Division an appointment would serve little purpose.

However, you may call Frances Tombini at 374-8079 and she will arrange one in the near future if you still desire it.

Cordially,

Edward Thompson

Edward Thompson, J.S.C.
Deputy Administrative Judge
City of New York

ET:TR

DR. EDWARD J. WEDIN
Chiropractor
60 East 42nd Street • Suite 1132 • New York City 10017 • Phone 661-2221

5-2-74.

To whom it may concern:

Mrs Millicent Fiske has been under my care for a spinal condition which has resulted in a great deal of myo-spasm, pain and weakness. Mrs Fiske is not as yet able to perform her usual routine.

Very truly yours
Edward J. Wedin D.C.

(Dates of treatment: December 21,28, 1973
January 4,9,11 14,18,21,25,31,1974
February 4,7,11,13,14,18,21,25,26,28, L974
March 1,3,6,8,11,13,15,18,21,25,27,29, April 1,3,4,8,9,11,15,29, 1974
May 1,2,6,9,13,14,16,20,23, 28,31, June 3,5,6,12,13,17,21,24, 26, 1974

CONTINUED:REPORT: JUNE 18, 1975 - BUREAU OF DISABILITY - attached:

CONTINUED TREATMENTS: daily, 5 days per week, occasional sixth (Saturday) payments made until September, 1974; other payments:Feb. 2, 1975 ($50.00) all other treatments performed without fees to current date.

DR. EDWARD J. WEDIN
Chiropractor
60 East 42nd Street · Suite 1132 · New York City 10017 · Phone 661-2221

To Social Services. 7/30/76

This is to certify that Miss Millicent Lindsey is still under my care for treatment.

Yours truly

Edward J. Wedin, D.C.

From:

TENSION-in-REPOSE
by Millicent Linden

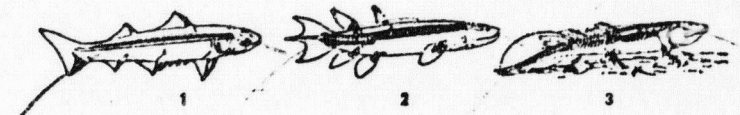
214 *Stretch for Life*

CONCAVE ARCHING

EVOLUTIONA

THE LADDER

AN



1 2 3

Life came from the sea and slowly conquered the land, always ascending in form and defying gravity.

The most profound skeletal changes in the upward trend occurred when we went from a four-legged to a two-legged mode of locomotion.

The adaptation of the human body to the requirements of the upright posture, although not perfect, is well-blocked out. The fundamental adjustments have already been achieved.

If man continues to exist, he will continue to evolve. The forces that wrought the present status have not abdicated their functions.

Any improvement in man's adaptation in the ladder of life, in the constant defiance of gravity, would help characterize future man.

Man, who has learned to control the elements around him and to fashion his own culture, can also take over the function of directing his skeletal evolution by taking small steps toward a more erect posture. Though it be but a small degree, even as much as a grain of sand, it would be at his

7 8 9

THE CONSTANT THEME
IN HISTORY OF LIFE IS
THE CONSTANT MOVE UPWARD

ALL LIFT STEMS FROM THE CONCAVE CURVE

RY-LIFT

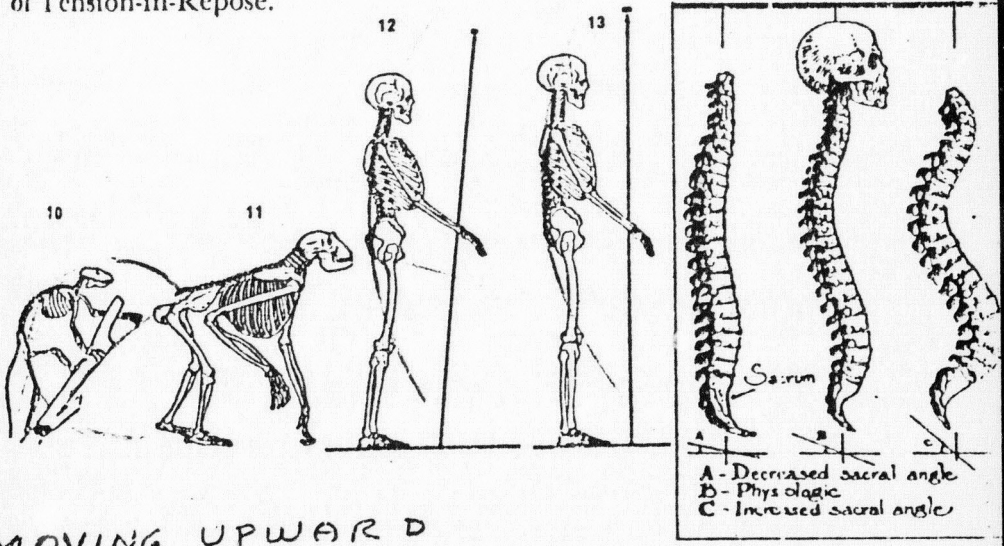
OF LIFE S-T-R-E-T-C-H-I-N-G

EXTENDING

direction, and he would be exploring the inner spaces of his own physical home—his body—as well as taking up the exploration of the outer spaces around his home.

The TENSION-in-REPOSE special stretches improve on the present adaptation of the human skeleton because they contribute toward a more erect posture in a naturally free and flexible manner. Since they are themselves evolutionary in their development of the body—through nature's own laws—man may reach a little more for the stars while still walking the earth.

The skeletal drawing next to man's present posture depicts the more erect position achieved through the special stretches of Tension-in-Repose.



MOVING UPWARD
RESISTS THE PULL
OF GRAVITY INWARD AND DOWN
ONLY THE CONCAVE CURVE RESISTS GRAVITY
IT FACES THE UMBILICAL CENTER

THE EVENING STAR
Washington, D. C. Wednesday, August 17, 1960

TO LECTURE ON MOTION OF BODY

An authority on body balance and motion who was invited to teach her approach to the West Point plebes last year will hold forth tonight at a public lecture in the North Room of the Mayflower Hotel.

Miss Millicent Linden will speak on "The Principle of the Motion of Atoms As It Applies to the Human Body," or "You Should NOT Exercise."

Miss Linden, the director of a self-improvement course titled "Background for Business and Government," eschews the old pulls and contortions, believing they are hard on the system and miss the point.

She advocates a type of exercise based, she says, on an understanding of the dynamic qualities in the body, closely related to natural dance movements, performed without strain and leading to a relaxation of the body.

Miss Linden claims that her simple "d y n a m i c" stretches bring about not only coordination and synchronization of the body but a release from mental tension as well.

The aim of her approach is complete flexibility and a total sense of well-being.

The dynamic qualities of the body which Miss Linden urges students to understand are, she says, "the fundamentals and basics of all movement, coming out as ordered motion with minimum effort, the net result being free discipline of the body.

"The sense of enjoyment derived from gaining conscious awareness of these natural principles . . . brings us close to Socrates' phrase, 'Know thyself.' This knowing of oneself, through one's physical being, may not be a panacea for life's vicissitudes and turbulences, but it does add to one's vitality and gives more sustenance by which to cope with the problems," she says.

Miss Linden's lecture will begin at 7 p.m.

The Nine Worlds of Millicent Linden

SHE has carried her gospel of "stretch" into worlds as far apart as ballet and West Point.

TENSION-in-REPOSE,

A high priestess of "doin' what comes natcherly," Millicent Linden can always succeed in getting the happy attention of bulging Americans when she tells them to avoid exercise like a plague.

And when she informs them that her own exciting figure is maintained by following her exclusive *Tension in Repose* program, that is all the proof they need. They are sold, hooked on her system of "stretches" for muscle tone and general physical contentment. Even physicians have approved, in writing, the methods of the dark-haired, vivacious New York girl who was born just a stretch from Union Square and still lives in the neighborhood.

Her system had its origin only four years ago in the highly unlikely environment of the U. S. Military Academy at West Point, which capitulated to Miss Linden without even a token resistance. Miss Linden, a professional singer then filling a club engagement in Greenwich, Connecticut, hit upon the idea of teaching the West Point cadets some rudiments of ballroom dancing. Entirely on her own, she outlined a plan to the academy authorities and it was accepted.

"The cadets were learning all about how to lead men in battle," she says, "but they didn't know how to lead a girl on the dance floor."

While showing the cadets how to avoid falling over their partners' feet, Miss Linden made some discoveries in body motion which, according to her, jibed with Newton's law on "every action having a reaction" and Leonardo da Vinci's concepts of gravity and levity.

Recalling how she occasionally had stretched her body as a "warm-up" to stage appearances, Miss Linden combined this experience with her findings at West Point and hatched a "Background for Business" program of physical conditioning which she took to Washington, D.C.

The nation's capital happened to provide the backdrop to this launching because Miss Linden, at the same time, had been engaged to teach a couple of Congressmen how to stretch. A pretty full program, you would say? Well, before long she was sandwiching trips to the District of Columbia prison between sessions of imparting her stretches to dowagers, lawmakers and bankers.

"At the prison, the women inmates were anxious to improve their appearance before their release," said Miss Linden. "The stretches went over so big with the girls that I even named one of my stretch positions the 'Shirley' for one of my pupils. The girls claimed they flattened their tummies through the stretches, felt better, slept better and, in general, improved their total outlook."

It was about this time that Miss Linden expanded her program of five basic stretches to 12 —the embryo, the rowboat, the spread eagle, the Shirley, the side fan, the roly-poly, the quadruped, the half-wheel, the spring kick, the half knee bend, the slow side arc and the bridge—and turned out two books about them.

Returning to New York, Miss Linden, on invitation of the City Youth Board, began teaching her stretches to narcotics addicts in Metropolitan Hospital with, judging from the testimonials, salutary results. She expanded this program to include follow-up work among discharged addicts at an East Harlem Church. She even has taught her stretches to recovered accident victims, who feel they have lost some of their flexibility.

Now at work on a third book, an expansion of her first, *Why You Should Not Exercise*, Miss Linden this year has also been giving her stretch techniques to classes at George Chaffee's ballet school in New York. Many pupils have written her that they have achieved new lightness and grace through the program.

So, in four short years, Miss Linden has moved rapidly through the nine worlds of entertainment, the military, Congress, business executives, prisons, hospitals, churches, ballet and publishing.

How does she do it?

"By stretching, of course," she says brightly. Time, she means, as well as muscles.

—By ROBERT GERRITY

Today The Journal-American presents the first in a series of articles from Millicent Linden's new book, "Tension in Repose." In it she offers her theory of converting the body's natural tension into energy. So . . .

Sun., Mar. 20, 1966

Who Needs Tension!

By MILLICENT LINDEN

BEFORE WE TREAT tension like an unwelcome guest, we ought to understand some of its basic purposes first. Only through understanding the meaning and function of tension can we deal with it both appreciatively and effectively.

Tension is natural: the quiet tension of sleep; the tension of daily routine; and even the tension felt under great stress and strain. Excessive tension is the normal reaction to provocation and frustration added to the already constant stream of trivial irritants in life.

Think of the rhythm of the four seasons. It seems so natural to start with the Spring of the year when everything bursts into life, into movement which starts from beneath the surface of the earth. The plants push their way through the earth to supply life-giving food for the body and food for the soul from the fragrance and beauty of the blossoms and flowers.

In Summer, the plants of life continue to grow; movement is accelerated to ready the crops for Autumn. The plants to be picked and enjoyed will be used to sustain life for people and to be stored for the Winter.

Winter is a time of rest which permits the earth to replace the energy she used up in making the plants come to life. Then it can begin again, in the Spring, new and refreshed.

TO SEE the rhythmic pattern of another branch of life which literally surrounds us, we look at the twenty-four-hour cycle of our daily lives.

When you awaken, whether with a smooth, easy and delicious awakening or a groggy beginning, you are about to start a twenty-four-hour rhythm and pattern of movement and rest.

While you were sleeping, your body was putting back the energies you used up the day before. In the unconscious state of sleep, your heart kept beating, and your blood kept moving, circulating throughout your entire body. Although you are unaware of this in the unconscious state, the tension of life keeps everything within you moving.

But awake, you begin to move with a conscious tension. You begin your day's actions. Off you go to "battle the dragon," to work, that is, so you can buy food and provide clothing and shelter to withstand the elements.

Modern dangers confront us, and so we become tense from the daily threats to our safety, well-being, happiness and self-esteem. Threats like illness, accidents, violence, economic anxieties, job problems and domestic relations. Tension, an essential function of living, just as hunger and thirst are, keeps us constantly straining at the bit all day long. Until, finally, we know we MUST relax.

As a climax to the working day, you try to plan some kind of enjoyable activity and/or leisurely dinner. The shift of activity from one type to another, such as from work to play, provides a sense of relief, a discharge from the one movement into another.

To be able to rest as you move is to put back your energy as you use it. In such a system, tension and repose would then become "tension-in-repose."

With "tension-in-repose," we would have a true balance of movement and rest which would absorb your normal and excess tensions into a dynamic whole. Each cycle of movement and rest would be complete, and you would be more likely to return to the starting point of total rest instead of beginning each day with some of yesterday's fatigue still lingering.

THE CLUES for this new rhythmic cycle of movement and rest, o ftension-in-repose, for the human body have been taken from the most basic fundamentals of the sciences of physics, geometry, engineering and physiology, all of which are nothing more than the discoveries of some of nature's consistent, universal principles.

If you happen to think that this will result in mere cold dogma, be patient and let this writer help you demonstrate for yourself the exciting romance which is the rationale of the universe and which is exemplified and latent within you—in your entire being.

Within you and within every living organism in the universe are individual resources and reserves of energy. There is no excitement to compare with the tapping of these reserves and sources of energy, which are now unused, unseen and unfelt. The moment you begin to apply some of the particular fundamental principles of the various sciences to your body, you will begin to use your untapped inner and deeper resources of life.

The dividends are many. When you find you are enjoying relaxed-motion, a trimmed waistline, a flattened abdomen, resilient and flexible muscles, deeper breathing, sounder sleep, an automatic, built-in regulator for your appetite, improved circulation, a higher tolerance of life's constant and excessive irritations, freedom from boredom, relief from overstain, improved coordination in all physical movements, including sexual activity and more erect, posture with the sense of weightlesaness, then you will be able to say "feeling is believing."

LEARNING TO GO WITH THE TIDE is learning the secret of tension and repose. Walk along the beach and watch the perfect timing and rhythm of the sea and realize that much can be learned from nature.

NATURE captures the imagination with her splendor and the reason with her simplicity. Everyone marvels at how exciting it is each time we discover a cherished secret. But the real wonder is not so much in knowing nature's simple, logical workings, but in the fact that over so many centuries intelligent people have continually advocated contrived movements which obviously cause serious injury, despite the always available form of natural movement which does not cause damage to the body at any time.

Could reasoning powers themselves be responsible for this oversight? All creatures who have not the gift of reason are simply obliged to react naturally to their physiological needs. An inherent quality in all animals is the daily need to fully stretch each part of the whole body after each resting period.

Notice how any animal—cat, dog, bird—will not move after awakening or resting until he has stretched every part of his body. Unhampered by conscious thought, he comes alive with pleasure and enjoyment as he instinctively s-t-r-e-t-c-h-e-s himself to the nth degree, moving to the full extent his body will permit comfortably. He does it slowly, gently, lovingly and smoothly, relishing every glorious, luxurious second of it.

Stretching must be made as simple for man as it is for the animal. From the animal we learn that the ACT of stretching is natural movement. It does not exhaust them, it refreshes and strengthens the muscles.

FROM MEDICINE and physiology, we learn that the inherent quality of the muscles is stretching. To stretch is to create a continuous line, length or distance; it is the drawing out of the muscles to full length or width; hence to draw tight or tighten the muscles. You have only to stretch a rubber band to see the physical changes in the rubber; to see it tighten in the middle and spring back into place when released. Stretching muscles in living creatures contract in the middle, tightening the fiber as the whole muscle moves far and wide all around its center.

The stretching animal extends his muscles to their full length and tightens them at the same time, keeping them firm and taut while at the same time eliminating any possible danger to his well-being.

People do have a natural tendency to stretch upon arising in the morning or after prolonged sitting or resting, but it must be remembered that man cannot mimic the animal's act of stretching nor get as much out of it. The anatomical construction of the quadruped and the biped, the animal and man, are different. Man must contend with his imperfect spine while the animal's rests comfortably across four pillars providing sound engineering principles.

When the human being stretches "naturally," he is bending backward at exactly that part of the spine in the lower back which is the weak link in the chain of vertebrae.

There is a paradox present here. Despite the fact that the human spine has an imperfection and that the animal's is based on sound engineering principles, the nearer the animal's bones approximate the proportions of human construction, the more flexibility of movement the animal is capable of. There is an invitation in this fact to encourage and enhance man's inherent and unguessed at potential of power of movement.

(From the book "Tension in Repose," published by Fawcett Publications, Inc. Copyright, 1966, by Millicent Linden.)

NEXT SUNDAY: Get Started With the ~~Exercises~~ STRETCHES

Her Rx for Aches Stretches Back to Da Vinci

Washington, Sept. 27 (AP) — Take it from Millicent Linden, if President Kennedy had boned up on Leonardo da Vinci's writings, he wouldn't have had that back strain last spring.

...the atomic scientists. As a result, she has written a book entitled: "Why You Should Not Exercise." Instead, you should ...

...ments, "completely harmonious and just as smooth as bones."

The Yawning Stretch

The first one is called the ...

...very slowly, with your palms still on the floor.

This stretch, Miss Linden says, utilizes Newton's Third ...

...ing among other things that her stretches can give one a fine feeling of weightlessness.

Value . . .

...demonstrating a reporter and ...d a bit of difficulty ...her leotards ...

...e things, they ...she said. ...ded that she ...a restaurant ...f the way she ...it was just a ...

WEDNESDAY, SEPTEMBER 27, 1961 — The Phoenix Gazette — NEW YORK POST, WEDNESDAY

ADVICE TO PRESIDENT COMES LATE

Spare That Back; Don't Exercise, Stretch

WASHINGTON (AP) — Take it from Miss Millicent Linden, if President Kennedy had boned up on Leonardo Da Vinci, the 15th Century artist-engineer, and also the writings of ...

...the book. To the uninitiated, they might look suspiciously like exercises. Perish the thought, says Miss Linden. Exercises are contrived boring things ...

THE FIR... — ...is called the ... Answer is the "quadruped ... You stand squarely on ... Bend the knees ...

Wednesday, July 13, 1962

Stretching Proponent Teaching 'Freedom' to Residents of Jail

By DICK WEST

WASHINGTON (UPI) — There was this lady who called me up and reported that she had been "teaching freedom" to prisoners at ...jail.

...professional ...something ...ed.

...said. "I ...dom.' I ...release." ...told me ...up right ...a prisoner

...lar system and the atom.

Her stretches, five of which are outlined in the book, employ "natural principles discovered more than four centuries ago by Leonardo da Vinci." They also take into account Newton's third law of motion.

THE AIM, Miss Linden explained, is to "pull away from gravity" and acquire a sensation of weightlessness similar to that experienced by the astronauts.

Most people she added, make the mistake of trying to stretch like a cat. They are unable to do this because "the process of evolution is incomplete," she said.

...what Miss Linden meant by "In...

FRIDAY, Sept. 28, 1961 PAGE 11 THE SAN FRANCISCO CHRONICLE

AUTHOR MILLICENT LINDEN
President could have avoided a backache

No Straining, Just Stretch

Washington

Take it from Millicent Linden, if President Kennedy had boned up on Leonardo da Vinci's writings he wouldn't have suffered a back strain last spring.

The President would have known how to keep his backbone straight in a natural sort of way, and wouldn't have put it out of whack, she says.

Miss Linden, who can do ballet and also sing, has delved into physical principles propounded by da Vinci, the 15th Century artist-engineer, and the writings of Isaac Newton and the atomic scientists.

As a result, she has written a book entitled "Why You Should Not Exercise."

Instead you should stretch, as a cat does when awakening from a nap, but you have to adapt the stretch to the human body.

Five stretches are outlined in the book. To the uninitiated, they might look suspiciously like exercises. Perish the thought, says Miss Linden. Exercises are contrived boring things, she says, while her stretches are natural movements "completely harmonious and just as smooth as bones."

The first one is called the "embryo stretch." You curl up like a baby before birth, with your hands wrapped around your toes. Then you extend first one leg and then the other, with your fingers still on your toes.

Another is the "quadruped stretch." You stand squarely on both feet, bend your knees and place the palms of your hands on the floor. Let your head hang down with "quiet abandon." Then straighten your knees very slowly, with your palms still on the floor.

This stretch, Miss Linden says, utilizes Newton's third law of motion—for every action, there is an opposite and equal reaction. Among other results, it improves the complexion.

Miss Linden says her stretches are aimed primarily at businessmen of ability, who go popping off like flies because of the tension they're under.

Miss Linden, demonstrating her stretches to a reporter and photographer, had a bit of difficulty because her leotards were binding.

"Confound these things, they won't let me go," she said.

Associated Press

Tension - in - Repose

500 EAST 74TH STREET
NEW YORK, N. Y. 10021
MILLICENT LINDEN, DIRECTOR

Stretching Is Intended To Replace Exercises

An Author Says The "Natural Way" Based on Works Of Da Vinci

WASHINGTON, Sept. 28 (AP)—Take it from Miss Millicent Linden, if President Kennedy had boned up on Leonardo Da Vinci's writings, he wouldn't have suffered that back strain last spring.

The President would have known how to keep his backbone straight in a natural way, she says.

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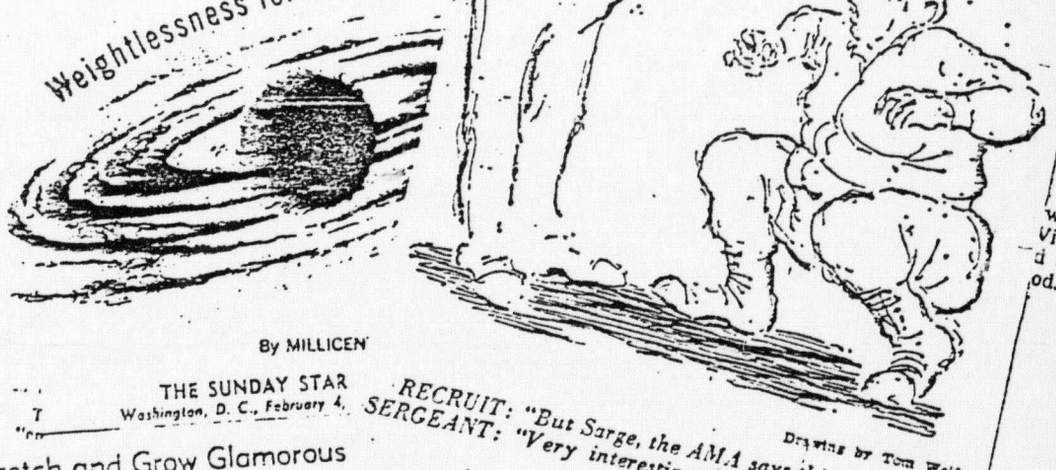
...Miss Millicent Linden, if Pre... on Leonardo da Vinci's ... bone...

This ... says, u... law of ... tion, the ... equal re... results, it ... plexion.

Miss ... stretches a ... "at busine... who go pop... because of t... under."

She also ... proached Pre... Youth Fitness ... ing among ot...

WHY YOU SHOULD NOT EXERCISE



By MILLICEN

THE SUNDAY STAR
Washington, D. C., February 4,

Drawing by Tom Wolfe

RECRUIT: "But Sarge, the AMA says this is unsafe!"
SERGEANT: "Very interesting, but this ain't the AMA, is it?"

Stretch and Grow Glamorous

Forget about that diet, girls. Stop torturing yourself with kicks and bumps and bends. Millicent Linden, a sparkling, sylph-like creature who has taught her theories of body dynamics throughout the country (including to the West Point plebes) describes them in a fascinating little book, "Why You Should NOT Exercise." Quoting Da Vinci, ...book... "Every heavy body desires to lose its heaviness ..." (how true!), she describes how stretching is superior to exercise in achieving buoyancy and bounce.

...HE SUN...
Washington, D. C.
April 15, 1962

C-3

The Body Beautiful

Mention of Millicent Linden's book, Why You Sho... Not Exercise, brought a storm of inquiries to this colun... The author now announces that at 8 p.m., April 18, s... will give a free lecture at the YWCA to be illustrat... by the film "About Time," from the Bell Science Ser... Her topic: "How Time Gives You Weightlessness Witho... Exercise or Dieting." Miss Linden will demonstrate h... own body dynamics that she claims will keep anyone sli... and trim.

910 PARK AVE.

Tues 3rd Aug 76

To:- Social Services
Regarding Miss Millecent Linden.

At the time Miss Linden was quite sick I was able & fortunate to give some small assistance in the form of a few Dollars amounting to $100.00 in the month of April 76, at the time Miss Linden was destitute, how I came to find out, was on a Sat. afternoon, I mentioned that I was going to the supermarket for the week end Groceries, at which time, I realized how serious Miss Lindens situation was & at the time I happened to have extra money in my pocket.

yours truly
James S Kinnaird
Bldg Supt. 910 Park

JOHN WINTERS • 500 EAST 74TH STREET • NEW YORK CITY 10021

July 28, 1976

To: Department of
Social Services

Re: Millicent Linden

From February through June
I have loaned my m various
occasions to Ms. Linden for
emergency purposes, totaling
$150.00.

We are tenants in the same
building and in the course
of conversations at the mail box
etc., I have become familiar
with her economics problems
which in my opinion have been
extremely severe.

John H. Winters

76 Civ. 4404

Judge Charles E. Stewart

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MILLICENT LINDEN,

Plaintiff-Appellant,

- v -

SEYMOUR SCHWARTZ and BERNARD WEISS
Justices of the Civil Court

Defendant-Respondents.

MOTION and AFFIDAVIT

BRIEF ON APPEAL

Millicent Linden
Plaintiff, pro se
500 East 74th Street
New York, New York 10021
Bu.8-9453